

269 NLRB No. 30

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Des Plaines, and  
Chicago Heights, IL

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RICK JONES, DORIS FLECK, JEAN JONES, AND  
CHARLEE SHARBAUGH, A PARTNERSHIP d/b/a  
LAKE VIEW CABLE

and

Case 13--CA--23304

LOCAL UNION NO. 134, INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL WORKERS,  
AFL--CIO

DECISION AND ORDER

Upon a charge filed by the Union 27 May 1983, the General Counsel of the National Labor Relations Board issued a complaint 8 July 1983 against the Company, the Respondent, alleging that it has violated Section 8(a)(1) of the National Labor Relations Act. Although properly served copies of the charge and complaint, the Company has failed to file an answer.

On 9 September 1983 the General Counsel filed a Motion for Summary Judgment. On 13 September 1983 the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Company filed no response. The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

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## Ruling on Motion for Summary Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in the complaint shall be deemed admitted if an answer is not filed within 10 days from service of the complaint, unless good cause is shown. The complaint states that unless an answer is filed within 10 days of service, "all the allegations in the complaint shall be deemed to be admitted to be true and shall be so found by the Board." Further, the undisputed allegations in the Motion for Summary Judgment disclose that counsel for the General Counsel, by letter dated 19 August 1983, notified the Company that, unless an answer was received by close of business on 26 August 1983, a Motion for Summary Judgment would be filed.

In the absence of good cause being shown for the failure to file a timely answer, we grant the General Counsel's Motion for Summary Judgment.

On the entire record, the Board makes the following

## Findings of Fact

## I. Jurisdiction

The Company, a partnership, with an office at 1886 Spruce Avenue, Des Plaines, Illinois, and a storage facility in Chicago Heights, Illinois, has been engaged in the installation, service, and construction of cable television systems. The Company began business operations about mid-April 1983, and since that time has provided services valued in excess of \$50,000 to other enterprises, including Wilco-Centel, which enterprises were themselves engaged in interstate commerce and satisfied the Board's standards for assertion of jurisdiction other than solely indirect inflow or indirect outflow. We find that the Company is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

## 11. Alleged Unfair Labor Practices

During April 1983, the exact date being unknown, the Company, at its Chicago Heights storage facility, acting through Thomas Sharbaugh, its supervisor, instructed employees that they must attend a union meeting in the home of the Company's vice president.

On or about 12 April 1983 the Company, at its facility in Des Plaines, Illinois, acting through Thomas Sharbaugh and in the presence of Doris Fleck, its vice president, interrogated employees concerning their union sympathies and encouraged employees to sign authorization cards for the Union.

On or about 17 May 1983 the Company, at its Chicago Heights storage facility, acting through Thomas Sharbaugh, circulated a letter on behalf of the Communication Workers of America and threatened employees with discharge if they did not sign the letter.

On or about 14 May 1983 the Company, at its Chicago Heights storage facility, acting through Thomas Sharbaugh and Ken Jones, its supervisors, threatened to lay off an employee because of that employee's union activity.

On or about 12 April 1983 the Company, at its facility in Des Plaines, Illinois, acting through Thomas Sharbaugh and Doris Fleck, engaged in surveillance of employees' union activities.

On or about 13 May 1983 the Company, at its Chicago Heights storage facility, acting through Thomas Sharbaugh and Ken Jones, told employees that the Respondent would not recognize the Union selected by the employees.

On or about 17 May 1983 the Company at its Chicago Heights, Illinois storage facility, acting through Thomas Sharbaugh, told employees that the Respondent would not recognize the Union selected by the employees.

Accordingly, we find that, by the aforesaid conduct, the Respondent has interfered with, restrained, and coerced its employees in the exercise of the

rights guaranteed them by Section 7 of the Act, and by such conduct the Respondent has engaged in unfair labor practices within the meaning of Section 8(a)(1) of the Act.

#### Conclusions of Law

1. By the acts described in section 11, above, the Company has interfered with, restrained, and coerced its employees in the exercise of the rights guaranteed them by Section 7 of the Act and thereby has engaged in unfair labor practices affecting commerce within the meaning of Section 8(a)(1) of the Act and Section 2(6) and (7) of the Act.

#### Remedy

Having found that the Company has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act.

#### ORDER

The National Labor Relations Board orders that the Respondent, Rick Jones, Doris Fleck, Jean Jones, and Charlee Sharbaugh, a Partnership d/b/a Lake View Cable, Des Plaines and Chicago Heights, Illinois, its officers, agents, successors, and assigns, shall

1. Cease and desist from
  - (a) Instructing employees that they must attend union meetings.
  - (b) Interrogating employees concerning their union sympathies.
  - (c) Encouraging employees to sign authorization cards for a union.
  - (d) Circulating letters on behalf of the Communications Workers of America and threatening employees with discharge if they do not sign such letters.
  - (e) Threatening employees because of their union activity.
  - (f) Surveilling employees' union activity.

(g) Threatening to refuse to recognize the union selected by the employees.

(h) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Post at its facilities in Des Plaines, Illinois, and in Chicago Heights, Illinois, copies of the attached notice marked "Appendix."<sup>1</sup> Copies of the notice, on forms provided by the Regional Director for Region 13, after being signed by the Respondent's authorized representative, shall be posted by the Respondent immediately upon receipt and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

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<sup>1</sup> If this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD" shall read "POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD."

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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Patricia Diaz Dennis,  
Member

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Robert P. Hunter,  
Member

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Donald L. Dotson,  
Chairman

of this Order what steps the Respondent has taken to comply.  
Dated, Washington, D.C. 15 March 1984

(e) Notify the Regional Director in writing within 20 days from the date

## APPENDIX

## NOTICE TO EMPLOYEES

Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government

The National Labor Relations Board has found that we violated the National Labor Relations Act and has ordered us to post and abide by this notice.

WE WILL NOT instruct employees that they must attend union meetings.

WE WILL NOT interrogate employees concerning their union sympathies.

WE WILL NOT encourage employees to sign authorization cards for a union.

WE WILL NOT circulate letters on behalf of the Communications Workers of America and threaten employees with discharge if they do not sign such letters.

WE WILL NOT threaten employees because of their union activity.

WE WILL NOT surveil employees' union activities.

WE WILL NOT threaten to refuse to recognize the union selected by employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the your rights guaranteed you by Section 7 of the Act.

RICK JONES, DORIS FLECK, JEAN  
JONES, AND CHARLEE SHARBAUGH,  
A PARTNERSHIP d/b/a LAKE  
VIEW CABLE

-----  
(Employer)

Dated ----- By -----  
(Representative) (Title)

This is an official notice and must not be defaced by anyone.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604, Telephone 312--353--7597.